

REMARKS

New Claims 41, 42, and 43 are in the application. Applicant recognizes that Claims 22-27 and 31-40, along with Claim 21 have probably been terminated by the Examiner following the decision of the Board of Patent Appeals and Interferences with respect to the final rejection of Claims 21-40. Applicant has canceled Claims 28, 29, and 30, which are being replaced by new Claims 41, 42, and 43.

The Board of Patent Appeals and Interferences handed down its decision in Appeal No. 2003-0744 of the final rejection of Claims 21-40 in the above-identified application. The Board did not affirm the rejection of Claims 28-30 which are depended on Claim 21, the final rejection of which the Board affirmed. The Board found that Claim 28 required a specific sequence of operations related to the launch of the automatic backup procedure, and that Claims 29 and 30 required a specific combination of password requests, the operation of password translation from the computer to the ABS unit, and the automatic launch of the backup procedure in response to password verification (see page 9-10 of the decision in the appeal).

On January 10, 2005, a communication concerning the application was mailed. In the communication, the Examiner advised that the proceedings as to the rejected claims, the claims whose rejection was affirmed on appeal, were considered terminated. The communiqué gave the applicant a one month time limit from the day of mailing to respond to the communiqué. The communiqué required the applicant to present Claims 28-30 in independent form and to correct typographical errors, examples of which are set forth in the communiqué.

Pursuant to the Examiner's requirement, the applicant has drafted new independent Claims 41, 42, and 43, which are compilations of Claims 21 and 28, Claims 21 and 29, and Claims 21 and 30, respectively. The applicant thanks the Examiner for bringing to the applicant's attention the typographical errors in Claim 21. Applicant has corrected all

typographical errors found in Claims 21, 28, 29, and 30 so that the errors were not forwarded on to the new claims.

It is respectfully submitted that the new Claims 41, 42, and 43 comply with the Examiner's requirements set forth in the communiqué, are fully supported by the application as filed, and add no new matter to the application.

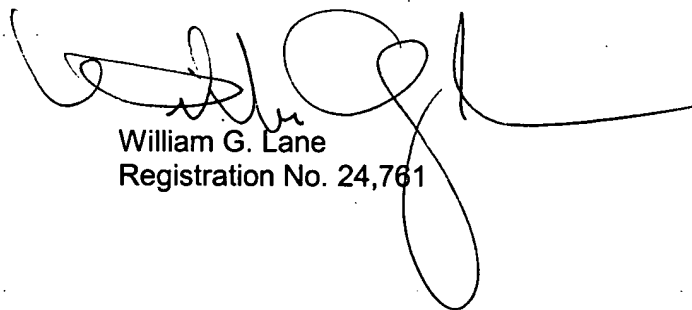
Applicant respectfully submits that this amendment is in full conformity with the Examiner's requirements and Patent Rules, and that the new claims are patentable. Favorable action is solicited.

If the Examiner has any questions or suggested changes to the claims to put them in better condition for allowance, the applicant respectfully requests the Examiner to telephone the undersigned attorney of record to quickly resolve this matter.

Respectfully submitted,

Date:

Feb. 3, 2005

A large, stylized handwritten signature in black ink, likely belonging to William G. Lane, is written over the typed name and registration number.

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